

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
6

7
8 DOUGLAS C. ROUNDY and LISA A.
9 ROUNDY,

10 Plaintiff(s),

11 v.

12 BANK OF AMERICA, N.A., et al.,

13 Defendant(s).
14

2:12-CV-1253 JCM (GWF)

15 **ORDER**

16 Presently before the court is plaintiffs' motion for leave to file sur-reply in support of their
17 opposition to the motion to dismiss. (Doc. # 18).

18 Plaintiffs wish to file a sur-reply to address a case first referenced in defendants' reply brief.
19 The case is *Edelstein v. Bank of New York Mellon*, 128 Nev. Adv. Opn. 48 (Nev. 2012), which was
20 issued by the Nevada Supreme Court on September 27, 2012. The Nevada Supreme Court issued
21 the opinion in the *Edelstein* case after plaintiffs filed their response, so plaintiffs have not yet had
22 an opportunity to address the *Edelstein* case. Plaintiffs represent this case both "hurts" and
23 "strengthens" their case. (Doc. # 18). Therefore, the court will permit plaintiffs an opportunity to
24 file a sur-reply by Tuesday, October 31, 2012. The sur-reply may only address issues raised by the
25 *Edelstein* opinion.

26 Defendants have not filed a response in opposition to the instant motion, though they likely
27 have not yet had the opportunity. Defendants may respond to the sur-reply within five business days
28

1 of the filing of the sur-reply, and defendants' response must be limited to the number of pages in the
2 sur-reply.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for leave
5 to file sur-reply in support of their opposition to dismiss (doc. # 18) be, and the same hereby, is
6 GRANTED.

7 DATED October 19, 2012.

8
9 
10 UNITED STATES DISTRICT JUDGE